

REMARKS

The purpose of this Preliminary Amendment is to eliminate multiple dependent claims in order to avoid the additional fee. Applicants reserve the right to reintroduce claims to canceled combined subject matter.

Respectfully submitted,



\_\_\_\_\_  
Anthony J. Zelano, Reg. No. 27,969  
Attorney for Applicants  
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
Arlington Courthouse Plaza 1  
2200 Clarendon Boulevard, Suite 1400  
Arlington, VA 22201  
Direct Dial: 703-812-5311  
Facsimile: 703-243-6410  
Email: zelano@mwzb.com

AJZ:jmm

09787394-051501  
T09150-46E2B260

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 3-9 and 18-21 have been amended as follows:

3. (Amended) The near infrared fluorescent contrast agent of claim 1 ~~or claim~~  
2, wherein, in the formula [I], r is 1.

4. (Amended) The near infrared fluorescent contrast agent of ~~any of claims 1~~  
~~to 3,~~claim 1, wherein 4 or more sulfonic acid groups are contained in a  
molecule.

5. (Amended) The near infrared fluorescent contrast agent of ~~any of claims 1~~  
~~to 4,~~claim 1, wherein 10 or less sulfonic acid groups are contained in a  
molecule.

6. (Amended) The near infrared fluorescent contrast agent of ~~any of claims 1~~  
~~to 4,~~claim 1, wherein 8 or less sulfonic acid groups are contained in a  
molecule.

7. (Amended) The near infrared fluorescent contrast agent of ~~any of claims 1~~  
~~to 6,~~claim 1, wherein the pharmaceutically acceptable salt is a sodium salt.

8. (Amended) The near infrared fluorescent contrast agent of ~~any of claims 1~~  
~~to 7,~~claim 1, which is for tumor imaging.

9. (Amended) The near infrared fluorescent contrast agent of ~~any of claims 1~~  
~~to 7,~~claim 1, which is for angiography.

18. (Amended) The sodium salt of ~~any of claims 10, 11, 13, 14 and 15,~~claim  
10, comprising 4 or more sulfonic acid groups in a molecule.

19. (Amended) The sodium salt of ~~any of claims 10, 11, 13, 14, 15 and~~

09/787394-051601

~~48,claim 10,~~ comprising 10 or less sulfonic acid groups in a molecule.

20. (Amended) The sodium salt of ~~any of claims 10, 11, 13, 14, 15 and~~  
~~48,claim 10,~~ comprising 8 or less sulfonic acid groups in a molecule.

21. (Amended) A near infrared fluorescent contrast agent comprising the  
sodium salt of ~~any of claims 10 to 20,~~claim 10.

09787394.051604  
FOI50-46E28260